THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3513 of 2007

15.3.2007

Between:

Kollati Sambasiva Rao @ Raju, S/o.Alaxmanarao
And others

… Petitioners

AND

The District Collector, West Godavari District, Eluru
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3513 of 2007

ORDER:

Five petitioners filed the instant writ petition seeking a writ of Mandamus directing the respondents 1 to 3 to take action against respondents 4 to 8 who are allegedly converting the agricultural lands admeasuring Acs.93.91 in survey Nos.237, 238, 239, 240, 246, 247, 256, 257, 262, 263, 264, 265, 289, 290, 291, 292, 299, 300, 301, 302 and 331 situated at Varathippa village of Mogalthur Mandal in West Godavari District, into Prawn culture tanks.

This Court while ordering notice to contesting respondents directed to maintain *status quo*. After receiving notices, respondents 4 to 8 filed counter affidavit.

It is the case of the respondents that the lands pointed out by the petitioners are fish tanks and ryots converts agricultural lands into fish tanks. The allegation that now fish tanks are being dug is not correct and in the entire vicinity there is no paddy cultivation in any of the agricultural lands. The lands are saline lands, not fit for cultivation, as they are subject to seepage and percolation. The first petitioner is also carrying on Prawn culture operations in an extent of Acs.15.00 in the same locality. Some of the persons belonging to the first petitioner filed suits being O.S.Nos.28 of 2007 and 38 of 2007 on the file of the Court of the Principal Junior Civil Judge, Narsapur, and having failed to get interim injunction, they filed the present writ petition. It is also alleged that on 31.1.2007 the fourth respondent and other farmers approached the Mandal Revenue Officer (MRO), Mogalthuru Mandal, seeking permission for conversion of agricultural lands into fish tanks and the same has been referred to the Revenue Divisional Officer (RDO), Narsapur, with due recommendation. The matter is now pending with the District Collector, Narsapur, and therefore, they

denied the allegation that the agricultural lands are being converted into Prawn tanks illegally.

Learned Assistant Government Pleader for Revenue (General-A), after getting instructions, submits that the petitioners also converted their agricultural lands into fish tanks and necessary action is being taken in accordance with the decision of this Court in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada** [1]. He also points out that in number of cases, this Court directed the MRO to conduct enquiry and pass necessary orders for removal of fish tanks after giving notice to owners of the lands.

Learned Counsel for the petitioners and learned Assistant Government pleader for respondents 4 to 8 are heard. Learned Counsel does not dispute the decision of this Court in **Madireddy Padma Rambabu** (supra). Learned Counsel for contesting respondents also does not deny that as of now their applications for seeking permission for conversion of agricultural lands into Prawn tanks are pending with the District Collector and, therefore, till such permission is obtained, they cannot convert the agricultural lands into Prawn tanks. Further according to Section 3 of A.P. Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006, no agricultural land in the State shall not be converted for non-agriculture purpose without prior permission of the competent authority. Therefore, the third respondent may conduct enquiry, issue notice to the petitioners as well as respondents 4 to 8 and take necessary action in accordance with the decision of this Court in **Madireddy Padma Rambabu** (supra).

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

March 15, 2007.
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[1] 2002(1) ALD 728 (DB) = 2002(3) ALT 57 (DB)